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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 JAMES M. PHILLIPS, an Individual; and
16 MARILYN MARIE LARSEN-PHILLIPS, an
17 Individual,

18 Plaintiff,

19 v.

20 BISHOP HEATING & AIR
21 CONDITIONING, INC., a California
22 Corporation, DOES I through X, inclusive,
23 and ROE CORPORATIONS XI through XX,
24 inclusive,

25 Defendants.

26 Case No.: 2:23-CV-01445-RFB-BNW

27 **STIPULATION AND ORDER TO
28 EXTEND DISCOVERY (FOURTH
REQUEST)**

29 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs JAMES M.
30 PHILLIPS and MARILYN MARIE LARSEN-PHILLIPS (“Plaintiffs”), by and through their
31 attorneys of record, Jemma E. Dunn, Esq. and Karson D. Bright, Esq. of Greenberg Gross, LLP, and
32 Defendant, BISHOP HEATING & AIR CONDITIONING, INC. (“Defendant”), by and through
33 their attorney of record, Lucian J. Greco, Jr, Esq., Melissa Ingleby, Esq., and Thuong (Cindy) H.
34 Nguyen, Esq. of Bremer, Whyte, Brown & O’Meara, LLP, (collectively, the “Parties”), and for good
35 cause shown that the discovery deadlines in the above-entitled matter be extended with sixty (60)
36 days.

1 **I. DISCOVERY COMPLETED TO DATE**

2 Listed below is a statement specifying the discovery completed in this case:

- 3 1. Plaintiffs' Initial List of Witnesses and Production of Documents made Pursuant to
4 FRCP 26(a)(1).
- 5 2. Defendant's Initial List of Witnesses and Production of Documents made Pursuant to
6 FRCP 26(a)(1).
- 7 3. Defendant's First Set of Interrogatories to Plaintiff James Phillips, and Plaintiff James
8 Phillips' Responses to Defendant's First Set of Interrogatories to Plaintiff.
- 9 4. Defendant's First Request for Production of Documents to Plaintiff James Phillips,
10 Plaintiff James Phillips' Responses to Defendant's First Request for Production of
11 Documents to Plaintiff.
- 12 5. Defendant's First Request for Admission to Plaintiff James Phillips, and Plaintiff
13 James Phillips' Responses to Defendant's First Request for Admission to Plaintiff.
- 14 6. Plaintiffs' First Set of Interrogatories to Defendant, and Defendant's Responses to
15 Plaintiffs' First Set of Interrogatories to Defendant.
- 16 7. Plaintiffs' First Request for Production of Documents to Defendant, and Defendant's
17 Responses to Plaintiffs' First Request for Production of Documents to Defendant.
- 18 8. Plaintiffs' First Request for Admission to Defendant, and Defendant's Responses to
19 Plaintiffs' First Request for Admission to Defendant.
- 20 9. Plaintiffs' First Supplemental List of Witnesses and Production of Documents made
21 Pursuant to FRCP 26(a)(1).
- 22 10. Defendant issued Subpoenas for Plaintiff James Phillips' medical records, and Valley
23 Propane Company.
- 24 11. Deposition of Bill Chezum completed on December 21, 2023.
- 25 12. Defendant's First Set of Interrogatories to Plaintiff Marilyn Marie Larsen-Phillips,
26 and Plaintiff Marilyn Marie Larsen-Phillips' Responses to Defendant's First Set of
27 Interrogatories to Plaintiff.
- 28 13. Defendant's First Request for Production of Documents to Plaintiff Marilyn Marie

1 Larsen-Phillips, and Plaintiff Marilyn Marie Larsen-Phillips' Responses to
2 Defendant's First Set of Request for Production of Documents to Plaintiff.

3 14. Defendant's First Request for Admission to Plaintiff Marilyn Marie Larsen-Phillips,
4 and Plaintiff Marilyn Marie Larsen-Phillips' Responses to Defendant's First Set of
5 Request for Admission to Plaintiff.

6 15. Rule 35 Examinations of Plaintiff James Phillips completed on January 29, 2024.

7 16. Deposition of Plaintiff James Phillips completed on February 29, 2024.

8 17. Defendant's First Supplemental List of Witnesses and Production of Documents made
9 Pursuant to FRCP 26(a)(1).

10 18. Defendant's Second Supplemental List of Witnesses and Production of Documents
11 made Pursuant to FRCP 26(a)(1).

12 19. Defendant's Third Supplemental List of Witnesses and Production of Documents
13 made Pursuant to FRCP 26(a)(1).

14 20. Defendant's Fourth Supplemental List of Witnesses and Production of Documents
15 made Pursuant to FRCP 26(a)(1).

16 21. Defendant's Fifth Supplemental List of Witnesses and Production of Documents
17 made Pursuant to FRCP 26(a)(1).

18 22. Defendant's Sixth Supplemental List of Witnesses and Production of Documents
19 made Pursuant to FRCP 26(a)(1).

20 23. Plaintiffs' Second Supplemental List of Witnesses and Production of Documents
21 made Pursuant to FRCP 26(a)(1).

22 24. Defendant's Initial Designation of Expert Witnesses Pursuant to FRCP 26.1(a)(2).

23 25. Plaintiffs' Initial Designation of Expert Witnesses Pursuant to FRCP 26.1(a)(2).

24 26. Deposition of Plaintiff Marilyn Marie Larsen-Phillips completed on April 24, 2024 .

25 27. Deposition of the FRCP 30(b)(6) representative of Defendant completed on April 26,
26 2024.

27 **II. DISCOVERY REMAINING TO BE COMPLETED**

28 The Parties plan to complete the following discovery:

1. Supplement records with Plaintiff James Phillips' recent and on-going treatment;
2. Parties' Expert Rebuttal Disclosures;
3. Deposition of Jose Jimenez;
4. Deposition of Thomas Herrera
5. Depositions of percipient witnesses.
6. Depositions of Plaintiff James Phillips' treating physicians and/or retained experts.
7. Depositions of the Defendant's experts;
8. Supplemental FRCP 26 disclosures;
9. Additional written discovery and/or subpoena duces tecum of records from necessary providers;
10. Any additional discovery that is necessary as the Parties proceed through discovery.

12 **III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN THE**
 13 **TIME SET BY DISCOVERY PLAN & GOOD CAUSE UNDER LR 26-3**

14 This is the fourth request for an extension of discovery deadlines by the parties. Both parties
 15 have diligently worked through the discovery process and continue their efforts. To facilitate a
 16 potential early resolution of this case, the parties have agreed to mediation and, consequently, to
 17 extend the discovery deadlines. The parties are actively coordinating dates and times to schedule
 18 the mediation within the next sixty (60) days while continuing to engage in discovery.

19 The parties are acting in good faith by filing this stipulation, with no intent to improperly
 20 delay the proceedings. Extending the deadlines will not prejudice any party or negatively impact the
 21 judicial administration of this Honorable Court. Therefore, the parties respectfully request a sixty
 22 (60) day extension for all remaining discovery deadlines.

23 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

24 The Parties hereto, and for good cause described in this Stipulation, and in accord with Local
 25 Rule 6-1 and Local Rule 26-3, request this Honorable Court to adopt and approve this stipulated
 26 extension to the discovery plan, and continue the discovery deadlines as requested below:

Event:	Current Date:	Proposed Date:
Discovery Cutoff Date:	July 15, 2024	September 13, 2024

Event:	Current Date:	Proposed Date:
Expert Designations:	May 14, 2024	No change
Rebuttal Designations:	June 13, 2024	August 12, 2024
Dispositive Motions:	August 14, 2024	October 14, 2024
Joint Pre-Trial Order:	September 13, 2024	November 13, 2024

As set forth herein, this Stipulation is supported by good cause and is not for purposes of delay.

The parties hereby stipulate to extend the remaining discovery deadlines included in the discovery plan by sixty (60) days.

IT IS SO STIPULATED.

DATED this 6th day of June 2024.

GREENBERG GROSS LLP



JEMMA E. DUNN, ESQ.

Nevada Bar No. 16229

KARSON D. BRIGHT, ESQ.

Nevada Bar No. 14837

Attorney for Plaintiffs

DATED this 6th day of June 2024

BREMER WHYTE BROWN & O'MEARA

/s/ Melissa Ingleby

LUCIAN J. GRECO, JR., ESQ.

Nevada State Bar No. 10600

MELISSA INGLEBY, ESQ.

Nevada Bar No. 12935

ASHLEY L. ZURKAN, ESQ.

Nevada Bar No. 16473

Attorneys for Defendants

ORDER

Based upon the stipulation of the parties hereto, and for good cause appearing: **IT IS
HEREBY ORDERED** that the discovery deadlines are extended as follows:

5	Event:	Deadline:
6	Discovery Cutoff Date:	September 13, 2024
7	Expert Designations:	No change
8	Rebuttal Expert Designations:	August 12, 2024
9	Dispositive Motions:	October 14, 2024
10	Joint Pre-Trial Order:	November 13, 2024

United States Magistrate Judge

United States Magistrate Judge

DATED: 6/10/2024

Respectfully submitted,

GREENBERG GROSS LLP

By: JEMMA E. DUNN, ESQ.
Nevada Bar No. 16229
KARSON D. BRIGHT, ESQ.
Nevada Bar No. 14837
Attorney for Plaintiffs